



CITY OF FORT LAUDERDALE

**CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS**

100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301

WEDNESDAY, APRIL 21, 2021 – 6:00 P.M.

Board Members	June 2020-May 2021		Absent
	Attendance	Present	
Catherine Maus, Chair	A	9	1
Mary Fertig, Vice Chair	P	10	0
John Barranco	P	10	0
Brad Cohen	P	9	1
Coleman Prewitt	P	10	0
William Rotella	P	10	0
Jacquelyn Scott	P	10	0
Jay Shechtman	P	10	0
Michael Weymouth	P	9	1

It was noted that a quorum was present at the meeting.

Staff

- Ella Parker, Urban Design and Planning Manager
- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Jim Hetzel, Principal Urban Planner
- Nicholas Kalargyros, Urban Design and Planning
- Trisha Logan, Historic Preservation Planner
- Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Vice Chair Fertig called the meeting to order at 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. The Vice Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Weymouth, seconded by Ms. Scott, to approve the minutes of March 17, 2021. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Weymouth, seconded by Mr. Shechtman, to approve the minutes of March 31. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Members of the public wishing to speak on any Item on tonight's Agenda were sworn in at this time.

IV. AGENDA ITEMS

Index

Case Number

Applicant

- | | |
|------------------------|--|
| 1. PLN-SITE-20070002** | Sunnyvale Corp. NV & Osborn Construction Engineers, Inc. |
| 2. UDP-S20008** | Rusty Investments, LLC. |

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

1. CASE:	PLN-SITE-20070002
REQUEST: **	Site Plan Level III Review: Conditional Use for Waterway Use, Mixed Use Development with Allocation of 103 Residential Flexibility Units and 3,500 Square-Foot of Restaurant Use with Outdoor Dining
PROPERTY OWNER/APPLICANT:	Sunnyvale Corp. NV & Osborn Construction Engineers, Inc.
AGENT:	Richard Berrie, Berrie Architecture & Design, Inc.
PROJECT NAME:	Claridge Oakland Park
GENERAL LOCATION:	2900 – 3000 E. Oakland Park Boulevard and 3000 NE 30 th Place
ABBREVIATED LEGAL DESCRIPTION:	Oakland Ocean Mile 28-45 B Lot 11 & 25
COMMISSION DISTRICT:	1 - Heather Moraitis
NEIGHBORHOOD ASSOCIATION:	Coral Ridge Association, Inc.
ZONING DISTRICT:	Community Business (CB)
LAND USE:	Commercial

CASE PLANNER:

Jim Hetzel

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, stated that the request before the Board is for Site Plan approval of a 103-unit residential building with a ground floor restaurant. The site is comprised of three parcels and is compliant with the City's provisions for mixed-use residential development in Community Business (CB) zoning. The underlying land use is Commercial. The site is surrounded by CB zoning on three sides and RMH-25 and RMM-25 zoning to the south.

Mr. Lochrie showed renderings of the project, noting that the building has been broken into three towers above podium level, with all residential units lining the waterfront. The restaurant component is located at the northeast corner of the property. He briefly reviewed the history of the site, recalling that when the project was originally presented to the Coral Ridge Civic Association and to the Development Review Committee (DRC), it included more units and different design elements. When City Staff and neighbors of the property expressed concern with the massing of the project's towers, it was redesigned and broken up into separate towers. The plans before the Board tonight represent the third iteration of the project.

As a result of residential zoning to the south of the site, the building was pushed northward on the site, with ground floor amenities including a swimming pool, fitness room, and outdoor dining area for residents on the south side of the site. This allows significant building separation from the proposed new residential building as well as existing neighbors to the south. A public plaza connects to the sidewalk at the terminus of Oakland Park Boulevard and the Intracoastal Waterway. The garage and entry features are located on the west side.

Sidewalks and landscaping have been added along 30th Place. The site may be accessed at both the north and south through a joint driveway. Traffic may enter and exit onto the Oakland Park Boulevard access road.

The project has been presented at three public participation meetings, with additional outreach to direct neighbors. The Applicant has received approval of the project from the City's Public Works Department for its proposed water and sewer use. Before final DRC approval, the project is asked to secure an updated letter from Staff taking the restaurant use into consideration, as this was not part of the project when water and sewer approval was provided. The current letter ensures the project may not come online before a redundant sewer main is complete and operational. The Applicant has agreed to this condition. A letter from the Broward County School Board indicates there are no negative impacts on the school system.

There being no questions from the Board at this time, Vice Chair Fertig opened the public hearing.

Timothy Sick, vice president of the Lauderdale Tower condominium, stated that this association has two minor concerns: monitoring their parking lot during construction to ensure developers do not use during this phase of the project, and addressing cleanup of debris from the construction site. He was in favor of the project.

Mr. Lochrie stated that the Applicant was willing to adopt both of these conditions. Mr. Sick requested that this agreement be documented in writing.

Vice Chair Fertig asked if the Board wished to incorporate the Staff Report into the record.

Motion made by Ms. Scott to incorporate it into the record.

Assistant City Attorney Shari Wallen noted a correction on p.7 of the Staff Report: Condition #2 should include the sentence "The capacity letter must state that the City has sufficient capacity for the restaurant use." She noted that the conditions related to monitoring of the Lauderdale Tower parking lot and maintenance of the construction site for debris may be added to the Staff Report as well.

Anthony Malbranch, private citizen, advised that he was in favor of the project. He asked where the staging area for heavy equipment would be located during the construction phase, including demolition of existing structures. Mr. Lochrie replied that the contractor plans to use the site's vacant parcel between the garage and the existing office building for debris and assembly.

Mr. Malbranch also expressed concern with the dust and debris from demolition on neighboring residents' vehicles in the parking lot. Mr. Lochrie recommended meeting with the Lauderdale Tower condominium association and the project's contractor outside tonight's meeting to ensure that plans address this concern.

Mr. Shechtman **seconded** the **motion** to make the Staff Report part of the record. In a roll call vote, the **motion** passed unanimously.

Motion made by Mr. Shechtman, seconded by Mr. Weymouth, to approve the project as it is consistent with the ULDR and with the contingencies outlined by Staff.

Mr. Shechtman clarified that his **motion** included both the sentence added to the Staff Report by Attorney Wallen and the two additional conditions requested by Mr. Sick during public comment. The **motion** also adopted the findings of fact in the Staff Report.

Attorney Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a conditional use permit for a mixed-use development, which includes multi-family residential units and 3300 ft. of restaurant use with outdoor

dining, located at 2900 to 3000 East Oakland Park Boulevard and 3000 NE 30th Place, Fort Lauderdale, Florida, allocating 103 residential flex units and approving a waterway use, Case Number PLN-SITE-20070002.

In a roll call vote, the **motion** passed 8-0.

Ms. Scott left the meeting at 6:24 p.m. Vice Chair Fertig confirmed that the Board continued to have a quorum.

2. CASE:	UDP-S20008
REQUEST: **	Site Plan Level III Review: Conditional Use for a 3,898 Square-Foot Medical Cannabis Dispensing Facility with Associated Parking Reduction Rusty Investments, LLC.
PROPERTY OWNER/APPLICANT:	
AGENT:	Stephanie Toothaker, Esq
PROJECT NAME:	Surterra
GENERAL LOCATION:	1776 East Sunrise Boulevard
ABBREVIATED LEGAL DESCRIPTION:	PROGRESSO 2-18 D LOT 1, Block 233
COMMISSION DISTRICT:	2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION:	Victoria Park Civic Association
ZONING DISTRICT:	Boulevard Business (B-1) and Residential Multifamily High Rise/Medium High Density (RMH-25)
LAND USE:	Commercial and Medium High
CASE PLANNER:	Nicholas Kalargyros

Disclosures were made at this time. Mr. Rotella recused himself from hearing or voting upon the Item, as he was the broker for the sellers of the property.

Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation on the Application, which requests Site Plan Level III review of conditional use with a parking reduction. The proposed facility is a medical cannabis dispensary.

In the state of Florida, medical marijuana must be grown, distributed, and sold by the same entity. The provider is licensed under Florida Statutes and has 39 dispensaries throughout Florida and other states. The subject building currently operates as a law office. The proposal would remove the office from the ground floor and perform an interior renovation only for the dispensary.

The property has split land use and zoning, as its north portion has a future land use of Commercial with B-1 zoning and the south portion is zoned RMM-25. The medical

cannabis facility is permitted under Commercial land use only and meets the City's ULDR requirements. The building will remain as is with the exception of its interior. There are 47 parking spaces on the site.

The scope of work is for a 3898 sq. ft. facility to accommodate medical cannabis. The proposed improvements would add retail space, bring restrooms into compliance with the requirements of the Americans with Disabilities Act (ADA), and provide "back-of-house" space that is accessible to employees only. These are consistent with ULDR and State Statute requirements.

Proposed hours of operation are as follows:

- Monday through Saturday: 10 a.m. to 8 p.m.
- Sunday: 11 a.m. to 5 p.m.

The Application complies with all distance separation requirements. The proposed dispensary would be the only medical marijuana facility within District 2. The City permits one such facility for each City Commission district.

The Applicant's security plan has been reviewed by the City and is compliant with Florida Statutes. The Application meets conditional use criteria as stated within the ULDR and follows stringent City and state regulations as well as the facility's own requirements. The business will have no impact on abutting properties. Access and traffic generation have been reviewed and approved by the City.

The Applicant is required to show that the location, use, or structure is not in conflict with the City's Comprehensive Plan and has no negative effects. A full traffic statement has been submitted, as the project does not meet the threshold for a full traffic study. The facility is expected to have a very low impact on water and wastewater capacity.

A full analysis of neighborhood compatibility has been held, and the Applicant has held a public participation meeting, which had very low attendance. All criteria are met with the exception of parking. Because there is ample public parking in the surrounding area, the Applicant is requesting a reduction of 14 parking spaces. A parking analysis has been submitted as part of the record. Roughly 40 letters of support were provided in the Applicant's backup materials, focusing on the area closest to the proposed facility.

There being no questions from the Board at this time, Vice Chair Fertig opened the public hearing.

Priscilla Juranitch, private citizen, stated that while she did not take issue with the type of business, she was concerned with its location on Sunrise Boulevard. She noted that the area includes a lounge and an adult retail business, and that homeless individuals congregate in the public parking areas the Applicant proposes to use. She added that the public spaces are often full. She concluded that the facility would not be an asset to this part of Fort Lauderdale.

James Sawran, private citizen, advised that he is an attorney who has occupied the subject building for over 20 years. He had submitted a letter in favor of the Application, and felt the proposed dispensary would enhance the surrounding neighborhood rather than detract from it. He noted that the Applicant is an established company operating throughout the state of Florida, and anticipated no negative impacts from the business. He intends to keep his law office on the second floor of the building.

Lauren Einhorn, private citizen, stated that she was in favor of the project and has submitted an email to this effect as well. She characterized the facility as similar to a lounge.

As there were no other individuals wishing to speak on the Item, the Vice Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Shechtman, seconded by Mr. Weymouth, to adopt the Staff Report as part of the record. In a roll call vote, the **motion** passed unanimously.

Motion made by Mr. Weymouth to accept the Resolution with Staff comments that we need to incorporate.

Attorney Wallen asked if the **motion** adopts the condition on p.5 of the Staff Report and the findings of that Report. Mr. Weymouth confirmed this was part of his **motion** to approve.

Mr. Prewitt **seconded** the **motion**.

Attorney Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a conditional use permit for medical cannabis dispensing facility and approving a parking reduction for the property located at 1776 East Sunrise Boulevard, Fort Lauderdale, Florida, in the B-1 and RMH-25 zoning districts, Case Number UDP-S20008.

In a roll call vote, the **motion** passed 6-0. (Mr. Rotella abstained. A memorandum of voting conflict is attached to these minutes.)

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

- **Staff Presentation: Proposed Affordable Housing Policy Recommendations**

It was suggested that this Item be tabled, as the Board felt its members who were not in attendance at tonight's meeting would want to see and comment upon this presentation.

Motion made by Mr. Weymouth, seconded by Mr. Rotella, to defer until we have our Board Chair and member Scott with us. In a roll call vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:45 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Robella William Joseph</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning & Zoning</i>
MAILING ADDRESS <i>3300 North Federal Highway 5-200</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Fort Lauderdale Florida</i>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <i>April 21st 2021</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

William Robella, hereby disclose that on April 21st, 2021

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I Am the real estate broker representing the sellers of the building involved in case # UDP-520008

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/20/21
Date Filed

William Robella
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.